

REMARKS

Favorable consideration of this Application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-5 are pending in the present Application. Claims 1 and 3-5 have been amended. Support for the amendment of Claims 1 and 3-5 can be found at least at Fig. 20 and its corresponding description in the specification. The Amendment to the claims presents the claims in better form for consideration on appeal. Applicants respectfully request that the present Amendment be entered. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claims 1-5 stand rejected under 35 U.S.C. § 103 as being unpatentable over Dworkin (U.S. Patent Application Publication No. 2002/0071,540).

REJECTION UNDER 35 U.S.C. § 103

The Official Action has rejected Claims 1 and 3-5 under 35 U.S.C. § 103 as being anticipated by Dworkin (U.S. Publication No. 2002/0071540). The Official Action states that Dworkin discloses all of the Applicants' claim limitations with the exception of generating a chat space at a predetermined time. However, the Official Action takes official notice that it would have been obvious to one of ordinary skill in the art at the time the invention was made to generate a chat space at a predetermined time to arrive at the Applicants' claims. Applicants respectfully traverse the rejection.

Claim 1 recites, *inter alia*, an information processing apparatus, including:

... an acquiring unit configured to acquire reservation information, sent by the first terminal, to the information processing apparatus from a reservation data base in order to provide the first service to the second terminal, the second terminal receiving a distribution notice in accordance with the second terminal address of the reservation from the information processing apparatus and including the authentication data;

a generation unit configured to generate the chat space corresponding to the reservation at a predetermined time prior to a distribution start time designated by the reservation; and  
a providing unit configured to provide the chat space to the first terminal and the second terminal designated to be distributed by the first terminal, the second terminal accessing the chat space and distributed contents in accordance with information of the provided distribution notice. . . .

By way of background, distribution of multimedia content is increasingly performed by way of a network, such as the Internet. In a collaborative setting, where multiple users are accessing a live streaming broadcast of video, for example, the ability to communicate during the video distribution has become necessary. Typically, this collaboration is by way of text-based communication whether in email or text messaging formats. Presently, video distribution and text messaging services are provided separately necessitating separate authentication for each utility.<sup>1</sup>

Due at least in part to the above deficiency in the art, the present invention is provided. With at least this object in mind, a brief comparison of the claimed invention, in view of the cited references, is believed to be in order.

Dworkin describes an application service provider environment for providing a distributed conferencing configuration. As shown in Fig. 1 of this reference, the configuration (99) includes a plurality of users (100A-100F) employing the Internet (104). Conferencing resources (112) include both hardware and software components, which are hosted and managed by a conferencing application service provider (110).<sup>2</sup>

In operation, the users (100) may employ the services of the conferencing configuration to facilitate distribution of data and video conferencing without the expense and overhead associated with owning and maintaining their own conference resources. For

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<sup>1</sup> Application at pages 1-2.

<sup>2</sup> Dworkin at paragraph 14.

example, an individual user (100A) would register with the application service provider (ASP) and be provided with an application program interface (API) to receive the necessary software for support facilitating communication with the provider. Likewise, the user may use third-party instant messaging software to communicate with other users. In addition, the ASP may employ a messaging utility (122), such that upon registration, a user downloads an instant messaging plug-in for use with a user interface (100B). In this way, the user can initiate a conference by inviting other instant messaging participants registered with the ASP.<sup>3</sup>

Conversely, in an exemplary embodiment of Applicants' invention, a live distribution service for streaming contents to users is provided in accordance with a reservation made in advance. In operation, a user, such as a personal computer (3), provides contents for distribution according to a reservation to a streaming server (5). Personal computers (4-1 - 4-3) receive the streaming contents from the streaming server according to the reservation made by the personal computer (3).<sup>4</sup> During the delivery of the streaming content, a chat space is created corresponding to the reservation of the streaming distribution. In this way, the chat space is automatically generated to be coincident with the delivery of the streaming content. Distribution notices are provided to terminals in accordance with a reservation, so that terminals included in the reservation can receive information for accessing the streaming content.

Thus, Dworkin describes only supporting third-party instant messaging services and providing an instant messaging plug-in to users. This arrangement suffers from the same drawback of the prior art in that separate authentication is required to include a chat service along with streaming content. There is no disclosure or suggestion of creating a dedicated

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<sup>3</sup> Dworkin at paragraphs 16-17.

<sup>4</sup> Application at page 8.

chat space in accordance with a reservation, such that the chat space is available coincident to a streaming distribution, both services being authenticated in accordance with information provided to terminals in a distribution notice, as recited in amended Claim 1. Accordingly, Applicants respectfully submit that Claims 1, and 3-5, which recite substantially similar limitations to those discussed above, patently define over Dworkin; and, Applicants respectfully request that the rejection of Claims 1 and 3-5 under 35 U.S.C. § 102(e) be withdrawn.

The Official Action has rejected Claim 2 under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Dworkin. The Official Action states that Dworkin discloses all the elements of the Applicants' claims, or, in the alternative, that Dworkin teaches the implementation of a chat space at a predetermined time. Applicants respectfully traverse the rejection.

As discussed above, Dworkin does not disclose all the elements of the pending claims, and therefore, the Official Action does not present a *prima facie* case of obviousness with regard to any of the pending claims.

Accordingly, Applicants respectfully request that the rejection of Claim 2 under 35 U.S.C. § 102/103 be withdrawn.

Finally, with regard to the official notice outlined in the Official Action at page 3, it appears that the Official Action is taking official notice without providing a citation in support of its assertion.

If official notice is being taken, Applicants respectfully submit that official notice alone is not permissible as grounds for rejection in the outstanding Official Action. As stated in the MPEP at § 2144.03(A):

It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known

are not capable of instant and unquestionable demonstration as being well-known. For example, assertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art. *In re Ahlert*, 424 F.2d at 1091, 165 USPQ at 420-21.

With regard to the above, Applicants respectfully submit that the features advantageously recited in Claims 1 and 5 are not “capable of instant and unquestionable demonstration as being well-known.”

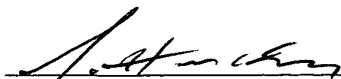
### CONCLUSION

**Should the above distinctions be found unpersuasive, Applicants respectfully request that the Examiner provide an explanation via Advisory Action pursuant to MPEP § 714.13 specifically rebutting the points raised herein for purposes of facilitating the appeal process.**

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including Claims 1-5, is patently distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

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